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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,766	03/16/2001	Ivan N. Vukovic	CE08427R	7092
22917	7590	06/03/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			YAO, KWANG BIN	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,766

Applicant(s)

VUKOVIC ET AL.

Examiner

Kwang B. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-8, 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 6-8, 13, 15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Baldwin et al. (US 5,606,552).

The admitted prior described on pages 1-6 discloses a radio frequency transceiver system comprising the following features: as depicted in Figs. 1 and 2, regarding claim 1, wireless receiving a plurality of packets from a plurality of wireless communication units to produce a plurality of received packets (page 4, line 1-27), wherein each received packet of the plurality of received packets (page 4, line 1-27) comprises a packet identifier; and forwarding the received packets (page 4, line 1-27) to an upstream component (Fig. 1, Router 124, CBSC 120) of an infrastructure of a communication system (Fig. 1, communication system 100); regarding claim 3, wherein each packet identifier comprises a number of soft handoff legs (page 4, lines 8-20) of a corresponding packet of the plurality of packets; regarding claim 6, wherein each packet

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identifier is assigned to each received packet by a base station (Fig. 1, base station 105-107); regarding claim 7, wherein each packet identifier is assigned to a corresponding packet by a communication unit; regarding claim 8, wherein the upstream component (Fig. 1, Router 124, CBSC 120) comprises a packet selector (Fig. 1, SDU 122); regarding claim 13, wirelessly receive a plurality of packets from a plurality of wireless communication units to produce a plurality of received packets (page 4, line 1-27), wherein each received packet of the plurality of received packets (page 4, line 1-27) comprises a packet identifier; and forward the received packets (page 4, line 1-27) to an upstream component (Fig. 1, Router 124, CBSC 120) of an infrastructure of a communication system (Fig. 1, communication system 100); regarding claim 15, wherein each packet identifier comprises a number of soft handoff legs (page 4, lines 8-20) of a corresponding packet; regarding claim 18, wherein each packet identifier is assigned to each received packet by the base station (Fig. 1, base station 105-107); regarding claim 19, wherein each packet identifier is assigned to a corresponding packet by a communication unit; regarding claim 20, wherein the upstream component (Fig. 1, Router 124, CBSC 120) comprises a packet selector (Fig. 1, SDU 122). See pages 1-6.

The admitted prior art does not disclose the following features: regarding claim 1, sorting the plurality of received packets according to the packet identifiers; regarding claim 13, sort the plurality of received packets according to the packet identifiers associated with each of the received packets.

Baldwin et al. discloses a communication system comprising the following features: regarding claim 1, sorting the plurality of received packets according to the packet identifiers (column 5, lines 15-19), forwarding (Fig. 5; and column 5, lines 15-42) the sorted received

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packets to an upstream component (Fig. 2, ATM network 220) of an infrastructure of a communication system; regarding claim 13, sort the plurality of received packets according to the packet identifiers (column 5, lines 15-19) associated with each of the received packets, forward (Fig. 5; and column 5, lines 15-42) the sorted received packets to an upstream component (Fig. 2, ATM network 220) of an infrastructure of a communication system. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of the admitted prior art, by using the features, as taught by Baldwin et al., in order to provide an efficient communication system by carrying large quantities of data.

4. Claims 2, 4, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Baldwin et al. (US 5,606,552) as applied to claims 1, 13 above, and further in view of Beser (US 6,331,987).

The admitted prior art and Baldwin et al. disclose claimed invention above. The admitted prior art and Baldwin et al. do not disclose the following features: regarding claim 2, wherein each packet identifier comprises a destination identifier; regarding claim 4, wherein each packet identifier comprises a communication unit identifier; regarding claim 14, wherein each packet identifier comprises a destination identifier; regarding claim 16, wherein each packet identifier comprises a communication unit identifier. Beser discloses a communication system comprising the following features: as described in TABLE 7 on column 14-15, regarding claim 2, wherein each packet identifier comprises a destination identifier (B6, Destination IP 68 address); regarding claim 4, wherein each packet identifier comprises a communication unit identifier (B4, Source IP 68 address); regarding claim 14, wherein each packet identifier comprises a destination identifier (B6, Destination IP 68 address); regarding claim 16, wherein each packet

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identifier comprises a communication unit identifier (B4, Source IP 68 address). It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of the admitted prior art and Baldwin et al., by using the features, as taught by Beser, in order to provide an efficient data communication system by reducing the computational load in the system. See Beser, column 14, lines 30-47.

5. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Baldwin et al. (US 5,606,552) as applied to claims 1, 13 above, and further in view of Balazinski et al. (US 6,738,379).

The admitted prior art and Baldwin et al. disclose claimed invention above. The admitted prior art and Baldwin et al. do not disclose the following features: regarding claim 5, wherein each packet identifier comprises a packet sequence number; regarding claim 17, wherein each packet identifier comprises a packet sequence number.

Balazinski et al. discloses a communication system comprising the following features: as depicted in Fig. 4, regarding claim 5, wherein each packet identifier comprises a packet sequence number (column 5, lines 54-59); regarding claim 17, wherein each packet identifier comprises a packet sequence number (column 5, lines 54-59). See column 4-8. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of the admitted prior art and Baldwin et al., by using the features, as taught by Balazinski et al., in order to provide an efficient data communication system by having the data packets in the proper order initially sent by the sending application. See Balazinski et al., column 5, lines 3-12.

Allowable Subject Matter

6. Claims 9-12, 21-23 are allowed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bourlas et al. (US 6,459,687) discloses a communication system.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

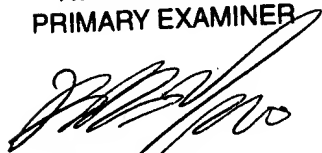
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER



Kwang B. Yao
May 25, 2005